

Senate Bill No. 389

CHAPTER 256

An act to add Section 13083 to the Financial Code, relating to automated teller machines.

[Approved by Governor September 22, 2005. Filed with
Secretary of State September 22, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 389, Morrow. Automated teller machine fees.

Existing law prohibits an operator of an automated teller machine from imposing a surcharge upon a customer unless the surcharge is disclosed to the customer.

This bill would provide that an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator or owner of the automated teller machine to charge a customer conducting a transaction using an account from a financial institution that is located outside the United States an access fee or surcharge.

The people of the State of California do enact as follows:

SECTION 1. Section 13083 is added to the Financial Code, to read:

13083. (a) Subject to the requirements of Section 13080, an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator or owner of the automated teller machine to charge a customer conducting a transaction using an account from a financial institution that is located outside the United States an access fee or surcharge not otherwise prohibited under state or federal law.

(b) Notwithstanding subdivision (a), nothing in this section shall be construed to prohibit or otherwise limit the ability of an operator or owner of an automated teller machine to voluntarily enter into an agreement regarding participation in a surcharge free network.

(c) For purposes of this section, the terms "operator" and "automated teller machine" have the meanings set forth in Section 13020.

(d) For the purposes of this section, the term "owner" means any entity that is not an operator under Section 13020, but that owns an automated teller machine.